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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/500,208	02/08/2000	Katherine Betz	YO999-547	2257

7590   08/09/2006

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EXAMINER
OSMAN, RAMY M

ART UNIT	PAPER NUMBER
2157	

DATE MAILED: 08/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/500,208	BETZ ET AL.
	Examiner	Art Unit	
	Ramy M. Osman	2157	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>03 May 2006</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-26</u> is/are pending in the application.

     4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-26</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a)☐ All   b)☐ Some * c)☐ None of:

         1.☐ Certified copies of the priority documents have been received.

         2.☐ Certified copies of the priority documents have been received in Application No. _____.

         3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

ᒪ   **DETAILED ACTION**

Status of Claims

1.   This communication is in response to RCE amendment filed on May 3, 2006 where

applicant amended claims 1,13,25,26. Claims 1-26 are pending.

Response to Arguments

2.   Applicant's arguments filed 5/3/2006, with respect to claims 1-26 are moot in view of

new grounds of rejection.

Claim Rejections - 35 USC § 112

3.   The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making
> and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it
> pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode
> contemplated by the inventor of carrying out his invention.

4.   Claims 1,13,25,26 rejected under 35 U.S.C. 112, first paragraph, as failing to comply

with the enablement requirement. The claim(s) contains subject matter which was not described

in the specification in such a way as to enable one skilled in the art to which it pertains, or with

which it is most nearly connected, to make and/or use the invention. The limitation "wherein the

client and server both locally execute the respective model and view-generating and controller

logic..." in lines 10-11 is non-enabled. It is unclear how a model can be executed. Further, this

is not supported by the specification.

5.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the
> subject matter which the applicant regards as his invention.

6.   Claims 1,13,25,26 rejected under 35 U.S.C. 112, second paragraph, as being indefinite

for failing to particularly point out and distinctly claim the subject matter which applicant

regards as the invention. The limitation "wherein the client and server both locally execute the

respective model and view-generating and controller logic..." in lines 10-11 is unclear. There is

no prior mention of a capability to execute a "model". There is only mention of executing "view-

generating and controller logic" on lines 4-7.

Claim Rejections - 35 USC § 102

7.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8.   **Claims 1,3,13,15,25,26 are rejected under 35 U.S.C. 102(e) as being anticipated by**

Hyndman et al (U.S. Patent No. 6,161,136).

9.   In reference to claims 1,13,25 and 26, Hyndman teaches the above method, system and

article of manufacture comprising the steps of:

Configuring the server to store a model associated with the application and to maintain

view-generating and controller logic associated with the application (column 2 lines 40-65,

column 3 line 60 – column 4 line 10 and column 5 lines 29-35); and

Configuring the client to store at least a subset of the model associated with the

application and to maintain at least a subset of the view-generating and controller logic

associated with the application (column 2 lines 40-65, column 4 lines 10-30 and column 5 lines 35-41);

wherein one or more portions of the application are performed at the client without the client having to interact with the server, and further wherein the client and the server both locally execute the respective model and view-generating and controller logic associated therewith (column 2 lines 40-65 and column 3 line 44 – column 4 line 25).

10.   In reference to claim 3 and 15, Hyndman teaches the method of claim 1 and 13 respectively wherein the client performs the one or more portions of the application in accordance with browser software running thereon (column 4 lines 40-43 and column 6 lines 10-12).

Claim Rejections - 35 USC § 103

11.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

12.   Claims 2,4-12,14,16-24 rejected under 35 U.S.C. 103(a) as being unpatentable over Hyndman et al (U.S. Patent No. 6,161,136) in view of Gish (US Patent No 5,768,510).

13.   In reference to claim 2 and 14, Hyndman in view of Gish teaches the method and system of claims 1 and 13 respectively. Although Hyndman teaches a network application between a client and server utilizing a browser (column 3 lines 30-50), Hyndman fails to explicitly teach wherein the client and server communicate over a HyperText Transport Protocol network. However, "Official Notice" is taken that HTTP is well-known in the art as taught by Gish,

wherein Gish teaches the client and server communicate over a HyperText Transport Protocol

network (column 14 lines 43-67 and column 16 lines 19-40).

It would have been obvious for one of ordinary skill in the art to modify Hyndman

wherein the client and server communicate over a HyperText Transport Protocol network as per

the teachings of Gish because of the universal application of HTTP in Internet communication.

14.   In reference to claim 4 and 16, Hyndman in view of Gish teaches the method and system

of claim 3 and 15 respectively. Hyndman fails to explicitly teach wherein the configuring step

further comprises the step of partitioning a screen area associated with the browser software into

frames. However, Gish teaches making user interface elements as components wherein frames

are provided for GUI application (column 35 lines 20-50).

It would have been obvious for one of ordinary skill in the art to modify Hyndman

wherein the configuring step further comprises the step of partitioning a screen area associated

with the browser software into frames as per the teachings of Gish so that user interface elements

are made into components to be accessible by another entity.

15.   In reference to claim 5 and 17, Hyndman in view of Gish teaches the method and system

of claim 4 and 16 above, wherein the at least a subset of the model, the view-generating and the

controller logic associated with the application are associated with at least one frame and one or

more views for display in accordance with the application are associated with at least another

frame (Gish; column 35 lines 20-50 and column 37 line 55 – column 38 line 40).

16.   In reference to claim 6 and 18, Hyndman in view of Gish teaches the method and system

of claim 5 and 17 above wherein the at least one view frame is a visible frame (Gish; column 2

line 60 – column 3 line 45 and column 35 lines 25-50).

17.   In reference to claim 7 and 19, Hyndman in view of Gish in view of Doyle teach the

method and system of claim 5 and 17 above, wherein the at least one frame associated with the at

least a subset of the model, the view-generating logic and the controller logic is not a visible

frame (Gish; column 2 line 60 – column 3 line 45, column 35 lines 20-50 and column 45 line 55

– column 46 line 15).

18.   In reference to claim 8 and 20, Hyndman in view of Gish teaches the method and system

of claim 4 and 16 respectively wherein the configuring step further comprises forming at least

one frame with which application-independent view-generating logic and controller logic is

associated (Gish; column 2 line 60 – column 3 line 45, column 35 lines 20-50 and column 45

line 55 – column 46 line 15).

19.   In reference to claim 9 and 21, Hyndman in view of Gish teaches the method and system

of claim 8 and 20 respectively wherein the at least one application-independent view-generating

logic and controller logic frame further has an application-independent model associated

therewith (Gish; column 21 lines 10-60 and column 24 lines 5-30).

20.   In reference to claim 10 and 22, Hyndman in view of Gish teaches the method of claim 8

and 20, wherein the at least one application-independent view-generating logic and controller

logic frame serves as an application programming interface for developing views to be displayed

in accordance with the application (Gish; column 21 lines 10-60 and column 24 lines 5-30).

21.   In reference to claim 11 and 23, Hyndman in view of Gish teach the method and system

of claim 10 and 22 above wherein the views are implemented in accordance with the HyperText

Markup Language and the application programming interface is implemented in accordance with

the JavaScript language (Gish; column 10 lines 10-25, column 15 lines 1-55 and column 16 lines 19-33).

22.   In reference to claim 12 and 24, Hyndman in view of Gish teaches the method and system of claim 1 and 13 respectively. Although Hyndman teaches an architecture for multiple MVC's, a client layer and server layer (column 3 lines 44-67), Hyndman fails to explicitly teach wherein the at least a subset of the model, the view-generating and the controller logic associated with the application are downloaded from the server to the client upon demand. However Gish teaches an MVC application with front-end and back-end components wherein the front-end is downloaded to the client (Gish; Summary and column 18 lines 14-67).

It would have been obvious for one of ordinary skill in the art to modify Hyndman wherein the at least a subset of the model, the view-generating and the controller logic associated with the application are downloaded from the server to the client upon demand as per the teachings of Gish so that the client can obtain its application portion via a communication network.

Conclusion

23.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Patent US006496202B1, Prinzing teaches generating a GUI representing an MVC.

Patent US006968534B1, Hayase teaches a monitoring system with MVC components.

Patent US005926177A , Hatanaka et al teaches multiple views in an MVC architecture.

Patent US006950850B1, Leff et al, teaches partitioning MVC applications.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ramy M. Osman whose telephone number is (571) 272-4008. The examiner can normally be reached on M-F 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

RMO
August 3, 2006
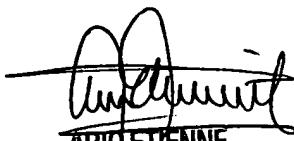
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